

OCT 08 2015

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

United States of America

v.

Jon Phillip Dumire

Case No.

715MJ146

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 12-27-2014 and 1-21-2015 in the county of Roanoke, VA in the
Western District of _____, the defendant(s) violated:

Code Section

Offense Description

Title 18, U.S.C, Section 922(g)(1)

Possession of a firearm by a prohibited individual.

This criminal complaint is based on these facts:

See attached Affidavit

☐ Continued on the attached sheet.


Complainant's signature

David T. Froy, SA, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: October 7, 2015

City and state: Roanoke, VA


Judge's signature

Robert S. Ballou, USMJ
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR AN ARREST WARRANT**

I, David T. Frey, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a Criminal Complaint for an Arrest Warrant to be issued for Jon Phillip Dumire.

2. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been since January of 1992. I have been assigned to the Roanoke, Virginia office of the FBI for my entire career, working many different types of cases to include violent crime matters involving firearms charges.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that Jon P. Dumire has committed violations of Title 18, United States Code, Section 922(g)(1), which makes it unlawful for any person who has been convicted of a felony to possess any firearm in or affecting commerce, or to receive any firearm which has been shipped or transported in interstate or foreign commerce.

PROBABLE CAUSE

5. On December 27, 2014, at approximately 7:15 a.m., the Roanoke City Police Department responded to a 911 call wherein Ray Cooper was found laying in the alleyway that

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runs behind Ray Cooper's residence in the 1500 block of 8th Street, Southeast, Roanoke, Virginia. It was determined that Ray Cooper was the victim of a gunshot wound that caused his death. Ray Cooper appears to have simply been walking his dog at the time he was shot. A bloody knife was recovered at this crime scene, as was a .25 caliber handgun, and a .380 cartridge casing. The investigation determined that the cartridge casing found at the scene was not from the small caliber handgun found at the scene. The bullet that killed Ray Cooper came from a larger caliber weapon, one that would be consistent with the .380 cartridge casing found at the scene.

6. On December 27, 201~~4~~⁵, near the same time that Ray Cooper was found, Jon Dumire arrived at Roanoke Memorial Hospital and was treated for stab wounds. Shortly after his arrival, Jon Dumire's shoes were seized by the Roanoke City Police Department. The DNA testing conducted to date indicates a very strong likelihood that Ray Cooper's blood was on Jon Dumire's shoes.

7. Jon Dumire was in a romantic relationship with a woman that lives in the 1500 block of 8th Street, SE, Roanoke, Virginia. This woman drove Jon Dumire to the hospital, which would have been very near the time that Ray Cooper was discovered in the alleyway. Ray Cooper was the grandfather to this woman's child. Consequently, Ray Cooper and Jon Dumire were familiar with one another. Ray Cooper's body was found in the alleyway that runs behind this woman's residence, which is only a few houses down the street from Ray Cooper's residence.

8. On January 21, 2015, the Roanoke City Police responded to a disturbance call at 1312 Stewart Avenue, SE, Roanoke, Virginia, where multiple people were encountered at a loud party. Jon Dumire was identified sitting on a couch in the living room area with several other individuals. The police recovered a .380 gun under the seat cushion where Jon Dumire was sitting. The gun was seized, and it was later examined by the Virginia Department of Forensic Science

12/17/2015

laboratory. The preliminary ballistics tests performed concluded that the cartridge casing found at the crime scene where Ray Cooper's body was found was fired from this weapon. On October 6, 2015, the laboratory has advised Officer David Morris, Roanoke City Police Department, that both the .25 caliber weapon and the .380 weapon are operable firearms.

9. Multiple individuals who personally knew and have observed Jon Dumire have told me and testified under oath that Jon Dumire's regularly possessed gun(s). At least three individuals have told me that they saw Jon Dumire carrying two guns on the morning of December 27, 2014, just prior to the time that Ray Cooper was shot. The descriptions provided by these individuals matched that the descriptions of the gun found at the crime scene where Ray Cooper's body was found, and of the gun that was located under the couch cushion where Jon Dumire was sitting at the party on January 21, 2015.

10. Jon Dumire has been convicted of at least one felony in the state of Virginia. One such conviction took place in March of 2014. A two year sentence was imposed, of which one year and eleven months were suspended. Therefore, in December of 2014 and January of 2015, Jon Dumire would have been prohibited from possessing a firearm, pursuant to Title 18, United States Code, Section 922(g)(1). I believe that the facts set forth above establish probable cause that Jon Dumire was in fact in possession of two firearms on December 27, 2014, and one firearm on January 21, 2015.

11. The .25 caliber handgun found nearby the body of Ray Cooper on December 27, 2014, is further described as follows: a .25 caliber, model P-25, manufactured by Raven Arms, Serial Number 048289. The gun found under the seat cushion where Jon Dumire was sitting on January 21, 2015, is further described as follows: a .380 Semi-automatic, model CA380, manufactured by EAA Corp, COCOA-FLA, Serial Number AE51637.

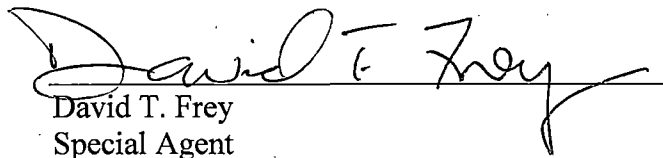
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12. On October 6, 2015, ATF Special Agent Michael Cilento, Firearms Nexus Expert rendered a preliminary opinion that neither firearm was manufactured in Virginia and therefore moved in and affected interstate commerce.

REQUEST FOR SEALING

13. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,


David T. Frey
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on October 7, 2015


UNITED STATES MAGISTRATE JUDGE